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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/713,477

11/14/2003

Takahiro Yagishita

6453P015

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07/27/2007

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EXAMINER

BLOOM, NATHAN J

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

07/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/713,477	<b>Applicant(s)</b> YAGISHITA ET AL.	
	<b>Examiner</b> Nathan Bloom	<b>Art Unit</b> 2624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicants' response to the last Office Action, filed on April 27<sup>th</sup>, 2007 has been entered and made of record.

#### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-3, 11, 13-16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamada (US 7076103).

Examiner in view of arguments in the "Response to Arguments" section below maintains the same 102(e) art rejections as in first office action mailed 01/29/2007.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-10, 12, 17, and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada.

Examiner in view of arguments in the "Response to Arguments" section below maintains the same 103(a) art rejections as in first office action mailed 01/29/2007.

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4. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada in view of Skodras and ISO/IEC 15444-1 (JPEG2000 specification) and 15444-3 (Motion JPEG specification).

Examiner in view of arguments in the "Response to Arguments" section below maintains the same 102(e) art rejections as in first office action mailed 01/29/2007.

### ***Response to Arguments***

1. Applicant's arguments filed on April 27<sup>th</sup>, 2007 have been fully considered but they are not persuasive. See discussion below.

Applicant argues the 112 enablement rejection:

*"The Examiner rejected claim 8 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully disagrees. Set forth in paragraph 104 is a case where the generation of a distributed image by decimating a portion of the framed image is described. Using this technique, it is possible to obtain the relative picture quality value of the distributed image with respect to the master image based on the number of frames that are used as to code the information. Therefore, Applicant respectfully submits the description of paragraph 104 supports claim 8 and the specification is enabling with respect to claim 8. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection. "*

2. In response to applicant's argument that claim 8 meets the 35 U.S.C. 112 first paragraph enablement requirement. The examiner withdraws this 35 U.S.C. 112 rejection, but instant claim 8 remains rejected under the art cited in the previous rejection.

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Applicant argues 102(e) with Yamada:

*“Yamada discloses recognizing a degree of image quality degradation when image data is compressed. At the time of compressing the image data, compression information is added as tag information into a file header. By referring to this compression information not the compressed data in the file or stream, the compression history of the compressed image data can be registered to the degree of image quality degradation of the image data obtained by decompressing the compressed image can be known.*

*In contrast, claim 1 makes a determination of relative picture quality of an expanded image data based on compressed data in the image compressed code, not just data in a header that is attached to compressed data. In other words, Yamada recognizes or determines a degree of image quality at the time the image data is compressed, while in the present invention as claimed, the determination of image quality is not performed until after the expansion is performed and is performed using compressed data. Note that the present invention as claimed is not limited to the sole use of compressed data as part of the determination of image quality; however, the determination is based at least on some compressed data in the image compressed code. In view of this, Applicant respectfully submits the present invention as claimed is not anticipated by Yamada. “*

3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the comparison of the expanded image quality to that of the master image) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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Applicant argues for withdrawal of 103(a):

*"The Examiner rejected claims 1-2, and 4-7 under 35 U.S.C. § 103(a) as being unpatentable over Yamada in further view of Skodras et al and ISO/IEC 15444-1 and 15444-3 (Motion JPEG). Applicant respectfully disagrees. As set forth above, while Yamada does not disclose determining relative picture quality between an expanded image data and master image data based on compressed data in an image code after the expansion of the compressed image data has occurred. Skodras is focused on file formats and not on determining relative picture quality based on compressed image data. Applicant respectfully submits that Skodras does not overcome the limitations in Yamada. Therefore, the combination of Yamada and Skodras does not include all the limitations of the claim. Thus, Applicant respectfully submits that the present invention as claimed is not obvious in view of Yamada and Skodras. "*

4. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation within the text as the use of compression information as stated by Yamada in column 5 line 49 to column 6 line 4. In particular, Yamada teaches the determination of image quality between a decompressed image and that of its original by using the quality information provided in the compression information (in column 5 line 49 to column 6 line 4), but Yamada does not teach using information such as the resolution, number of bit planes, number of rectangular regions or the weighting of these regions. However, JPEG2000 as taught by Skodras (and ISO/IEC 15444-1) that all this quality information is included as part of the compressed data. It would have been obvious to one of ordinary skill in the art to use

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JPEG2000 as taught by Skodras with Yamada since the compression technique provides better compression ratios with a reduced cost to the loss of quality associated with compression.

Furthermore, it would have been obvious to one of ordinary skill in the art to combine the teaching of Skodras with Yamada to use as an alternative the quality information provided in the JPEG2000 (Skodras) compression data such as number of bit planes, master/compressed image resolution, number of rectangular regions (wavelet levels) for improved indications of the quality of the image as compared to its original. Also, as per rejection of instant claim 7 the weighing of these rectangular regions has been taught.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Contact Information***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Bloom whose telephone number is 571-272-9321. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed, can be reached on 571-272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nathan Bloom



SAMIR AHMED  
PRIMARY EXAMINER